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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CG ENTERPRISES HOLDINGS, LLC, a California limited liability company; and STEPHEN M. COON, an individual;

) Case No. 3:24-cv-00292-VC
)
)[Removed from Sonoma County Superior Court
)
Case No.: 24CV00024]

Plaintiff,

**JOINT MOTION AND STIPULATION
FOR LEAVE TO FILE OVERSIZED
BRIEF**

WSP USA, INC., a New York corporation;
WSP USA BUILDINGS, INC., a New York
corporation; kW MISSION CRITICAL
ENGINEERING, D.P.C., a New York design
professional corporation; and DOES 1
through 20, inclusive.

Defendants.

1 Defendants WSP USA, Inc. and WSP USA Buildings Inc. (“WSP”) and Plaintiffs CG
 2 Enterprises Holdings, LLC and Stephen Coon, by and through undersigned counsel, hereby
 3 stipulate to the following pursuant to Local Rules 7-11 and 7-12:

4 1. This action relates to a dispute that has spanned three separate jurisdictions,
 5 including this Court, the Northern District of New York, and a AAA arbitration in New York.

6 2. On February 2, 2024, WSP moved to dismiss Plaintiffs CG Enterprises Holdings,
 7 LLC and Stephen Coon’s claims under §§ 16600 and 17200, pursuant to Federal Rule of Civil
 8 Procedure 12(b).

9 3. Pursuant to a stipulation submitted by the Parties (Doc. No. 22), the Memorandum
 10 in support of WSP’s Motion included twenty-two (22) pages of substantive argument.

11 4. In its Motion, WSP raises several grounds for dismissal, including lack of
 12 jurisdiction under the Federal Arbitration Act, lack of personal jurisdiction, improper venue, and
 13 failure to state a claim.

14 5. WSP also included in its Motion a request to transfer this action to the Southern
 15 District of New York under § 1404(a), rather than file a separate motion on that issue.

16 6. On February 16, 2024, Plaintiffs responded to WSP’s Motion.

17 7. Pursuant to the Parties’ earlier stipulation, Plaintiffs’ Response included twenty-one
 18 (21) pages of substantive argument.

19 8. In their Reply in support of their Motion for a TRO, Plaintiffs also made an
 20 additional legal argument that was relevant to that Motion but that also bears directly on WSP’s
 21 Motion to Dismiss.¹

22 9. Given the number and complexity of the issues involved, the Parties agree that WSP
 23 should be granted leave to file an oversized Reply brief (attached hereto as **Exhibit A**) no longer
 24 than fifteen (15) pages.

25
 26 ¹ To be clear, WSP does not contend that Plaintiffs’ inclusion of that argument in their Reply
 27 was improper, and WSP wishes to address that argument only to the extent that it bears directly on
 WSP’s Motion to Dismiss—not to raise new objection to the propriety of Plaintiffs’ requested TRO
 28 that WSP did not already raise in its Opposition to Plaintiffs’ Motion.

10. To the extent the Court denies this request, WSP requests that it be provided a reasonable extension of time to revise its existing Reply so that it complies with any other page-limitation the Court believes would be appropriate under these circumstances.

Dated: February 23, 2024

HOLLAND & KNIGHT LLP

By: /s/ Samuel J. Stone

Attorney for Defendants

WSP USA, INC., WSP USA BUILDINGS INC., and
kW MISSION CRITICAL ENGINEERING, D.P.C.

CERTIFICATE OF SERVICE

I, Sam Stone, hereby certify that on February 23, 2024, I caused the foregoing Joint Motion and Stipulation for Leave to File an Oversized Brief to be served on all Parties in this action by filing it on this Court's CM/ECF system.

/s/ Sam Stone
Sam Stone

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